

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11
ACDA-12 CAB-02 COME-00 DOTE-00 EB-08 FAA-00 /088 W
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R 201055Z APR 78
FM USMISSION USBERLIN
TO AMEMBASSY BONN
INFO SECSTATE WASHDC 6673
AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY PARIS
USMISSION USNATO

C O N F I D E N T I A L SECTION 1 OF 2 USBERLIN 0927

E.O. 11652: GDS
TAGS: PGOV, BQG, AKB
SUBJECT: SOVIET PROTEST OF 6 MARCH ON EXTENSION OF FEDERAL LAWS

REF: USBERLIN 0551

1. BERLIN MISSIONS HAVE AGREED TO RECOMMEND FOLLOWING TEXT TO
BONN AS RESPONSE TO SOVIET PROTEST REPORTED REFTEL:

BEGIN TEXT

DRAFT REPLY TO SOVIET PROTEST OF 6 MARCH ON EXTENSION
OF CERTAIN FEDERAL LAWS TO BERLIN

ON 6 MARCH YOU MADE A STATEMENT TO THE CHAIRMAN POLITICAL
ADVISER CONCERNING THE EXTENSION TO BERLIN OF 5 PIECES OF
FEDERAL LEGISLATION. THE EXTENSION TO BERLIN OF THE HAGUE CON-
VENTION ON THE SERVING ABROAD OF JUDICIAL AND EXTRA-JUDICIAL
DOCUMENTS IN CIVIL OR COMMERCIAL MATTERS OF 15 NOVEMBER 1965,
AND THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF UNLAWFUL
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ACTS AGAINST THE SAFETY OF CIVIL AVIATION OF 23 SEP-
TEMBER 1971, HAVE BEEN AUTHORIZED BY THE ALLIED KOMMAND-
ATURA IN ACCORDANCE WITH ESTABLISHED PROCEDURES WHICH WERE
CONFIRMED IN ANNEX IV TO THE QUADRIPARTITE AGREEMENT OF
3 SEPTEMBER 1971. THE ADOPTION IN BERLIN OF THE LAWS
RATIFYING THESE CONVENTIONS WAS DONE IN ACCORDANCE WITH
THE ESTABLISHED PROCEDURES CONCERNING THE APPLICABILITY

TO THE WESTERN SECTORS OF BERLIN OF LEGISLATION OF THE
FEDERAL REPUBLIC. THAT SUCH PROCEDURES WOULD REMAIN UN-
CHANGED WAS CONFIRMED IN THE LETTER OF 3 SEPTEMBER 1971
FROM THE THREE AMBASSADORS TO THE CHANCELLOR OF THE FEDERAL
REPUBLIC OF GERMANY OF WHICH THE SOVIET AMBASSADOR
TOOK NOTE.

WITH REGARD TO THE FIRST LAW, THE EXTENSION TO
BERLIN OF THE CONVENTION WHICH IT IMPLEMENTS IS IN NO
WAY INCONSISTENT WITH THE PROVISIONS OF ANNEX IV TO THE
QUADRIPARTITE AGREEMENT SINCE NO MATTER OF SECURITY OR
STATUS IS AFFECTED THE OBJECT OF THE CONVENTION IS
TO SIMPLIFY AND CENTRALIZE THE PROCEDURE FOR SERVICE OF
DOCUMENTS. WHEN ACTING IN RELATION TO BERLIN THE
CONTROL AUTHORITY DESIGNATED BY THE FEDERAL GOVERNMENT
UNDER ARTICLE II WILL BE ACTING UNDER BERLIN LAW. NO
QUESTION OF THE FEDERAL AUTHORITIES PURPORTING TO REGU-
LATE MATTERS CONCERNING CONSULAR OR OTHER OFFICIAL RE-
PRESENTATIONS IN THE WESTERN SECTORS OF BERLIN ARISES.

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C O N F I D E N T I A L SECTION 2 OF 2 USBERLIN 0927

IN THE CASE OF THE SECOND LAW, WHEN APPROVING THE
EXTENSION TO BERLIN OF THE CONVENTION WHICH IT IMPLE-
MENTS, THE ALLIED KOMMANDATURA TOOK THE NECESSARY STEPS
TO ENSURE THAT ALLIED RIGHTS AND RESPONSIBILITIES IN THE
FIELD OF CIVIL AVIATION REMAINED UNAFFECTED.

THE ADOPTION IN BERLIN OF THE ORDINANCE ON THE
EXEMPTION OF HOLDERS OF OFFICIAL PAKISTAN
PASSPORTS FROM OBTAINING A RESIDENCE PERMIT FOR THE
FEDERAL REPUBLIC OF GERMANY, AND THE EXTENSION TO BERLIN
OF THE EXCHANGE OF NOTES BETWEEN THE FRG AND PAKISTAN
WHICH IS A CONDITION PRECEDENT TO THE COMING INTO
FORCE OF THE ORDINANCE, HAVE BEEN AUTHORIZED BY THE ALLIED
KOMMANDATURA IN ACCORDANCE WITH THE ESTABLISHED PROCE-
DURES REFERRED TO ABOVE. THE ORDINANCE HAS BEEN MADE
UNDER THE FEDERAL LAW ON ALIENS WHICH HAS ALSO BEEN
ADOPTED IN BERLIN IN ACCORDANCE WITH THOSE PROCEDURES.
WITH REGARD TO THE FUNCTIONS OF THE FEDERAL AUTHORITIES
WITH REGARD TO RESIDENCE PERMITS FOR BERLIN, I WOULD
REFER YOU TO THE PAPER HANDED TO YOU BY THE CHAIRMAN
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POLITICAL ADVISER ON 17 JANUARY 1977 REGARDING THE MATTER.

THE LAW AMENDING THE PENAL CODE OF 13 APRIL 1978
HAS BEEN ADOPTED IN BERLIN IN ACCORDANCE WITH ESTABLISHED
PROCEDURES. THE PURPOSE OF THE LAW IS TO COMBAT CRIME
BUT, INsofar AS IT CONCERNS SECURITY, THE ALLIED
KOMMANDATURA HAS TAKEN THE NECESSARY STEPS TO ENSURE
THAT ALLIED RIGHTS, RESPONSIBILITIES AND LEGISLATION IN
THAT FIELD ARE NOT AFFECTED.

THE ALLIED KOMMANDATURA REJECTS TOTALLY THE ASSERTION
THAT THE PROVISIONS OF THESE FOUR PIECES OF LEGISLATION
ARE CONTRARY TO THE QUADRIpartite AGREEMENT AND HAVE
NO EFFECT IN BERLIN.

WE ARE UNABLE TO TRACE THE PARTICULAR FEDERAL LAW
ON THE CENSUS OF THE POPULATION OF WHICH YOU HAVE COM-
PLAINED. IF YOU CAN GIVE US MORE DETAILS WE WILL EXAMINE
THE MATTER FURTHER.

END TEXT GEORGE

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